

**COUNCIL OF THE CITY OF ABERDEEN**  
**Ordinance No. 14-O-04**

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**Introduced By:**

**Mayor Michael E. Bennett**

**Date Introduced:**

**Amendments Adopted:**

**Date Adopted:**

**Date Effective:**

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**ORDINANCE NO. 14-O-04**

**THE CODE OF THE CITY OF ABERDEEN**  
**CHAPTER 297**  
**GRADING AND SEDIMENT CONTROL**

**FOR** the purpose of conforming to the soil erosion and sediment control regulations in accordance with the Code of Maryland Regulations (COMAR) 26.17.01, the 2011 Maryland Standards and Specifications (Standards and Specifications) and the Stormwater Management Act of 2007 (Act) pursuant to Title 4, Environment Article, Subtitle 1, Annotated Code of Maryland.

**BY** repealing in its entirety and reenacting Chapter 297  
Code of the City of Aberdeen (2010 Edition as amended).

**CHAPTER 297**  
**EROSION AND SEDIMENT CONTROL**

**ARTICLE I**  
**Purpose and General Provisions**

**§ 297-1. Purpose and Authority.**

- A. The purpose of this chapter is to protect, maintain, and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with land disturbances. The goal is to minimize soil erosion and prevent off-site sedimentation by using soil erosion and sediment control practices designed in accordance with the Code of Maryland Regulations (COMAR) 26.17.01, the 2011 Maryland Standards and Specifications (Standards and Specifications) and the Stormwater Management Act of 2007 (Act). Implementing this chapter will help reduce the negative impacts of land development on water resources, maintain the chemical, physical, and biological integrity of streams, and minimize damage to public and private property.
- B. The provisions of this chapter pursuant to Title 4, Environment Article, Subtitle 1, Annotated Code of Maryland are adopted under the authority of the City of Aberdeen Code and shall apply to all land grading occurring within the City of Aberdeen. The application of this chapter and the provisions expressed herein shall be the minimum erosion and sediment control requirements and shall not be deemed a limitation or repeal of any other powers granted by State statute.

**ARTICLE II**  
**Grading and Sediment Control Definitions**

**§ 297-2. Definitions.**

The words and phrases as used in this chapter shall have the following meanings:

**ADMINISTRATION** - Means the Maryland Department of the Environment (MDE) Water Management Administration (WMA).

**ADVERSE IMPACT** - Means any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics, or usefulness for human or natural uses, which are or may potentially be harmful or injurious to human health, welfare, safety or property, biological productivity, diversity, or stability or that unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

**AGRICULTURAL LAND MANAGEMENT PRACTICES** - means those methods and procedures used in the cultivation of land in order to further crop and livestock production and

conservation of related soil and water resources. Logging and timber removal operations are not to be considered a part of this definition.

**APPLICANT** - Means any person, firm, or government agency that executes the necessary forms to apply for a permit or approval to carry out construction of a project.

**APPROVAL AUTHORITY** - means the entity responsible for the review and approval of erosion and sediment control plans.

**BEST MANAGEMENT PRACTICE (BMP)** - Means a structural device or nonstructural practice designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution, and provide other amenities.

**CITY** – Means City of Aberdeen, a Maryland municipal corporation.

**CLEAR** - Means to remove the vegetative ground cover while leaving the root mat intact.

**CONCEPT PLAN** - Means the first of three plans submitted under the comprehensive review and approval process required by the Act and described in COMAR 26.17.02 and shall include the information necessary to allow an initial evaluation of a proposed project.

**DEPARTMENT** - Means Maryland Department of the Environment.

**DESIGN MANUAL** – Means 2000 Maryland Stormwater Design Manual.

**DRAINAGE AREA** - Means that area contributing runoff to a single point measured in a horizontal plane that is enclosed by a ridge line.

**ENVIRONMENTAL SITE DESIGN (ESD)** - Means using small-scale stormwater management practices, nonstructural techniques, and better site planning to mimic natural hydrologic runoff characteristics and minimize the impact of land development on water resources.

**EROSION** - Means the process by which the land surface is worn away by the action of wind, water, ice, or gravity.

**EROSION AND SEDIMENT CONTROL** - Means a system of structural and vegetative measures that minimizes soil erosion and off-site sedimentation.

**EROSION AND SEDIMENT CONTROL PLAN** - Means erosion and sediment control strategy or plan designed to minimize erosion and prevent off-site sedimentation.

**EXEMPTION** - Means those land development activities that are not subject to the erosion and sediment control requirements contained in this chapter.

1 FINAL EROSION AND SEDIMENT CONTROL PLAN - Means, along with the final  
2 stormwater management plan, the last of three plans submitted under the comprehensive review  
3 and approval process required by the Act and described in COMAR 26.17.02. Final erosion and  
4 sediment control plans shall be prepared and approved in accordance with the specific  
5 requirements of the City of Aberdeen and this chapter and designed in accordance with the  
6 Standards and Specifications.

7  
8 GRADE - Means to disturb earth by, including but not limited to, excavating, filling, stockpiling,  
9 grubbing, removing root mat or topsoil, or any combination thereof.

10  
11 GRADING UNIT - Means the maximum contiguous area allowed to be graded at a given time.  
12 For the purposes of this chapter, a grading unit is 20 acres or less.

13  
14 HIGHLY ERODIBLE SOILS - Means those soils with a slope greater than 15 percent or those  
15 soils with a soil erodibility factor, K, greater than 0.35 and with slopes greater than 5 percent.

16  
17 INSPECTION AGENCY - Means the Administration or, if delegated enforcement authority, the  
18 City of Aberdeen.

19  
20 MAXIMUM EXTENT PRACTICABLE (MEP) - Means designing stormwater management  
21 systems so that all reasonable opportunities for using ESD planning techniques and treatment  
22 practices are exhausted and only where absolutely necessary is a structural BMP implemented.

23  
24 OWNER/DEVELOPER - Means a person undertaking, or for whose benefit, activities covered  
25 by this chapter are carried on. General contractors or subcontractors, or both, without a  
26 proprietary interest in a project are not included within this definition.

27  
28 PERMITTEE - Means any person to whom a building or grading permit has been issued.

29  
30 PERSON - Includes the federal government, the State, any county, municipal corporation, or  
31 other political subdivision of the State, or any of their units, or an individual, receiver, trustee,  
32 guardian, executor, administrator, fiduciary, or representative of any kind, or any partnership,  
33 firm, association, public or private corporation, or any of their affiliates, or any other entity.

34  
35 RESPONSIBLE PERSONNEL - Means any foreman, superintendent, or project engineer who is  
36 in charge of on-site clearing and grading operations or the implementation and maintenance of an  
37 erosion and sediment control plan.

38  
39 SEDIMENT - Means soils or other surficial materials transported or deposited by the action of  
40 wind, water, ice, gravity, or artificial means.

41  
42 SITE - Means any tract, lot, or parcel of land, or combination of tracts, lots or parcels of land that  
43 are in one ownership, or are contiguous and in diverse ownership, where development is to be  
44 performed as part of a unit, subdivision, or project.

1 SITE DEVELOPMENT PLAN - Means the second of three plans submitted under the  
2 comprehensive review and approval process required by the Act and described in COMAR  
3 26.17.02. A site development plan shall include the information necessary to allow a detailed  
4 evaluation of a proposed project.

5  
6 STABILIZATION - Means the protection of exposed soils from erosion by the application of  
7 seed and mulch, seed and matting, sod, other vegetative measures, and/or structural means.

8  
9 STANDARDS AND SPECIFICATIONS - Means the "2011 Maryland Standards and  
10 Specifications for Soil Erosion and Sediment Control" or any subsequent revisions.

11  
12 STORMWATER - Means water that originates from a precipitation event.

13  
14 STORMWATER MANAGEMENT SYSTEM - Means natural areas, ESD practices, stormwater  
15 management measures, and any other structure through which stormwater flows, infiltrates, or  
16 discharges from a site.

17  
18 VARIANCE - Means the modification of the minimum erosion and sediment control  
19 requirements for exceptional circumstances such that strict adherence to the requirements would  
20 result in unnecessary hardship and not fulfill the intent of this chapter.

21  
22 WATERSHED - Means the total drainage area contributing runoff to a single point.

23  
24 **ARTICLE III**  
25 **Application**

26  
27 **§ 297-3. Scope.**

28  
29 No person shall disturb land without implementing soil erosion and sediment controls in  
30 accordance with the requirements of this chapter and the Standards and Specifications except as  
31 provided within this section.

32  
33 **§ 297-4. Exemptions.**

34  
35 The following activities are exempt from the provisions of this chapter:

36  
37 A. Agricultural land management practices and agricultural BMPs;

38  
39 B. Clearing or grading activities that disturb less than 5,000 square feet of land area and disturb  
40 less than 100 cubic yards of earth; and

41  
42 C. Clearing or grading activities are subject exclusively to State approval and enforcement under  
43 State law and regulations.

44  
45

**§ 297-5. Variances.**

The City may only grant a variance from the requirements of the Standards and Specifications when strict adherence will result in exceptional hardship and not fulfill the intent of this chapter. The owner/developer shall submit a written request for a variance to the City. The request must state the specific variance sought and the reasons for the request. The City shall not grant a variance unless and until sufficient information is provided describing the unique circumstances of the site to justify the variance.

**ARTICLE IV  
Erosion and Sediment Control Plans**

**§ 297-6. Concept Plan.**

The concept phase of project review and approval requires mapping of natural resources, vegetative buffer strips, highly erodible soils, and slopes 15 percent and steeper. These mapped areas should be protected from erosion using additional measures or, wherever possible, designated to remain undisturbed. This data serves as the foundation for developing both the erosion and sediment control, and stormwater management facets of the site development plan. Field verification is necessary to verify topographic maps, soil maps, and other materials.

**§ 297-7. Site Development Plan.**

The site development plan provides a more detailed design of the project. Included in this step is a narrative describing how erosion and sediment control will be integrated into the stormwater management strategy using ESD in accordance with the Design Manual. An overlay plan showing stormwater and erosion and sediment control practices is also required as part of the site development submittal. After approval from the approving agencies, the applicant will proceed with final plan preparation.

**§ 297-8. Final Plan.**

- A. Final erosion and sediment control plans must include the limit of disturbance (LOD), the location of each sediment control practice, contours for sediment traps and sediment basins, associated construction notes, details, and representative cross-sections. When phasing is necessary, the sediment control plan must include initial, interim, and final phase sediment control practices, as appropriate. A sequence of construction must be provided with enough detail to guide the construction, maintenance, and removal of the erosion and sediment controls.
- B. Additionally, plans must include phasing and/or sequencing describing how a project will comply with the 20 acre grading unit restriction. All projects are expected to comply with the grading unit criteria as required by COMAR 26.17.01 and the Standards and Specifications. An exception may be granted by the approval authority only when the applicant has sufficiently demonstrated that a project cannot be phased or sequenced to meet the criteria

1 due to the uniqueness of the project or the site. The justification for an exception shall not  
2 include the cost of moving dirt more than once, the need to install interim sediment practices,  
3 or that the total construction time will increase if the project needs to be broken into phases.  
4

- 5 C. An exception must be issued on a case-by-case basis and must require additional erosion and  
6 sediment control measures including redundant controls, accelerated stabilization, more  
7 frequent erosion and sediment control inspections, or other measures required by the  
8 approval authority.  
9

10 **§ 297-9. Review and Approval of Erosion and Sediment Control Plans.**  
11

- 12 A. A person may not grade land without an erosion and sediment control plan approved by the  
13 City.  
14
- 15 B. The City shall review erosion and sediment control plans to determine compliance with this  
16 chapter and the Standards and Specifications prior to approval. In approving the plan, the  
17 City may impose such conditions that may be deemed necessary to ensure compliance with  
18 the provisions of this chapter, COMAR 26.17.01, the Standards and Specifications, and the  
19 preservation of public health and safety.  
20
- 21 C. The review and approval process shall be in accordance with the comprehensive and  
22 integrated plan approval process described in the Standards and Specifications, the City's  
23 stormwater chapter and the Act.  
24
- 25 D. At a minimum, a concept plan must include the mapping of natural resources and sensitive  
26 areas including highly erodible soils and slopes greater than 15 percent as well as information  
27 required under the City's stormwater chapter. These areas are to remain undisturbed or an  
28 explanation must be included with either the concept or site development plan describing  
29 enhanced protection strategies for these areas during construction.  
30
- 31 E. A site development plan submittal must include all concept plan information and indicate  
32 how proposed erosion and sediment control practices will be integrated with proposed  
33 stormwater management practices. The latter is to be done through a narrative and an overlay  
34 plan showing both ESD and erosion and sediment control practices. An initial sequence of  
35 construction and proposed project phasing to achieve the grading unit restriction should be  
36 submitted at this time.  
37
- 38 F. An applicant shall submit a final erosion and sediment control plan to the City for review and  
39 approval. The plan must include all of the information required by the concept and site  
40 development plans as well as any information in Section § 297-10 not already submitted.  
41
- 42 G. A final erosion and sediment control plan shall not be considered approved without the  
43 inclusion of the signature and date of signature of the City on the plan.

H. Approved plans remain valid for two (2) years from the date of approval unless extended or renewed by the City.

I. Grandfathering of Approved Plans:

(1) Any plans that receive final approval after January 9, 2013 must be in compliance with the requirements of this chapter and the Standards and Specifications.

(2) A plan that receives final approval by January 9, 2013 may be reapproved under its existing conditions if grading activities have begun on the site by January 9, 2015, with the exception of stabilization requirements.

(3) Stabilization practices on all sites must be in compliance with the requirements of this chapter and the Standards and Specifications by January 9, 2013, regardless of when an approved erosion and sediment control plan was approved.

**§ 297-10 Contents of Erosion and Sediment Control Plans.**

A. An applicant is responsible for submitting erosion and sediment control plans that meet the requirements of the City of Aberdeen, this chapter, the City's Stormwater chapter, the Standards and Specifications, and the Act. The plans shall include sufficient information to evaluate the environmental characteristics of the affected areas, the potential impacts of the proposed grading on water resources, and the effectiveness and acceptability of measures proposed to minimize soil erosion and off-site sedimentation.

B. At a minimum, applicants shall submit the following information:

(1) A letter of transmittal and/or application;

(2) Name, address, and telephone number of:

(a) The owner of the property where the grading is proposed;

(b) The developer; and

(c) The applicant;

(3) A vicinity map indicating north arrow, scale, site location, and other information necessary to easily locate the property;

(4) Drainage area map(s) at a 1" = 200' minimum scale showing existing, interim, and proposed topography, proposed improvements, standard symbols for proposed sediment control features, and pertinent drainage information including provisions to protect downstream areas from erosion for a minimum of 200 feet downstream or to the next conveyance system;

(5) The location of natural resources, wetlands, floodplains, highly erodible soils, slopes 15 percent and steeper, and any other sensitive areas;



- (6) A general description of the predominant soil types on the site, as described by the appropriate soil survey information available through the local soil conservation district or the USDA Natural Resources Soil Conservation Service;
- (7) Proposed stormwater management practices;
- (8) Erosion and sediment control plans including:
  - (a) The existing topography and improvements as well as proposed topography and improvements at a scale between 1" = 10' and 1" = 50' with 2 foot contours or other approved contour interval. For projects with more than minor grading, interim contours may also be required;
  - (b) Scale, project and sheet title, and north arrow on each plan sheet;
  - (c) The limit of disturbance (LOD) including:
    - [1] Limit of grading (grading units, if applicable); and
    - [2] Initial, interim, and final phases;
  - (d) The proposed grading and earth disturbance including:
    - [1] Total disturbed area;
    - [2] Volume of cut and fill quantities; and
    - [3] Volume of borrow and spoil quantities;
  - (e) Storm drainage features, including:
    - [1] Existing and proposed bridges, storm drains, culverts, outfalls, etc.;
    - [2] Velocities and peak flow rates at outfalls for the two-year and ten-year frequency storm events; and
    - [3] Site conditions around points of all surface water discharge from the site;
  - (f) Erosion and sediment control practices to minimize on-site erosion and prevent off-site sedimentation including:
    - [1] The salvage and reuse of topsoil;
    - [2] Phased construction and implementation of grading unit(s) to minimize disturbances, both in extent and duration;
    - [3] Location and type of all proposed sediment control practices;
    - [4] Design details and data for all erosion and sediment control practices; and
    - [5] Specifications for temporary and permanent stabilization measures including, at a minimum:
      - [a] The "Standard Stabilization Note" on the plan stating: "Following initial soil disturbance or re-disturbance, permanent or temporary stabilization must be completed within:

- 1 (i) Three (3) calendar days as to the surface of all perimeter dikes, swales,  
2 ditches, perimeter slopes, and all slopes steeper than 3 horizontal to 1  
3 vertical (3:1); and  
4 (ii) Seven (7) calendar days as to all other disturbed or graded areas on the  
5 project site not under active grading.”  
6 [b] Details for areas requiring accelerated stabilization; and  
7 [c] Maintenance requirements as defined in the Standards and Specifications;  
8  
9 (g) A sequence of construction describing the relationship between the implementation  
10 and maintenance of controls, including permanent and temporary stabilization, and  
11 the various stages or phases of earth disturbance and construction. Any changes or  
12 revisions to the sequence of construction must be approved by the City prior to  
13 proceeding with construction. The sequence of construction, at a minimum, must  
14 include the following:  
15  
16 [1] Request for a pre-construction meeting with the appropriate enforcement  
17 authority;  
18 [2] Clearing and grubbing as necessary for the installation of perimeter controls;  
19 [3] Construction and stabilization of perimeter controls;  
20 [4] Remaining clearing and grubbing within installed perimeter controls;  
21 [5] Road grading;  
22 [6] Grading for the remainder of the site;  
23 [7] Utility installation and connections to existing structures;  
24 [8] Construction of buildings, roads, and other construction;  
25 [9] Final grading, landscaping, and stabilization;  
26 [10] Installation of stormwater management measures;  
27 [11] Approval of the appropriate enforcement authority prior to removal of sediment  
28 controls; and  
29 [12] Removal of controls and stabilization of areas that are disturbed by removal of  
30 sediment controls.  
31  
32 (h) A statement requiring the owner/developer or representative to contact the City or its  
33 agent at the following stages of the project or in accordance with the approved  
34 erosion and sediment control plan, grading permit, or building permit:  
35  
36 [1] Prior to the start of earth disturbance;  
37 [2] Upon completion of the installation of perimeter erosion and sediment controls,  
38 but before proceeding with any other earth disturbance or grading;  
39 [3] Prior to the start of another phase of construction or opening of another grading  
40 unit; and  
41 [4] Prior to the removal of sediment control practices;  
42  
43 (i) Certification by the owner/developer that any clearing, grading, construction, or  
44 development will be done pursuant to the approved erosion and sediment control  
45 plan. The certification must also require that the responsible personnel involved in the

1 construction project have a Certificate of Training at an MDE approved training  
2 program for the control of erosion and sediment prior to beginning the project. The  
3 Certificate of Training for Responsible Personnel may be waived by the City on any  
4 project involving four or fewer residential lots. Additionally, the owner/developer  
5 shall allow right of entry for periodic on-site evaluation by the City, and/or MDE; and  
6

- 7 (j) Certification by a professional engineer, land surveyor, landscape architect, architect,  
8 or forester (for forest harvest operations only) registered in the State that the plans  
9 have been designed in accordance with erosion and sediment control laws,  
10 regulations, and standards, if required by the City or the Administration.  
11

12 (9) Any additional information or data deemed appropriate by the City.  
13

14 **§ 297-11. Modifications to Erosion and Sediment Control Plans.**  
15

- 16 A. The City may revise approved plans as necessary. Modifications may be requested by the  
17 owner/developer, the inspection agency, or the City in accordance with COMAR  
18 26.17.01.09(H) Plan Modifications.  
19  
20 B. The City may develop a list of minor modifications that may be approved as field revisions  
21 by the inspection agency. The Administration must approve any list of minor modifications  
22 prior to its implementation.  
23

24 **§ 297-12. Standard Erosion and Sediment Control Plan**  
25

- 26 A. The City may adopt a standard erosion and sediment control plan for activities with minor  
27 earth disturbances, such as single-family residences, small commercial and other similar  
28 building sites, minor maintenance grading, and minor utility construction.  
29  
30 B. A standard erosion and sediment control plan must meet the requirements of this chapter and  
31 the Standards and Specifications.  
32  
33 C. MDE shall review and approve a standard plan prior to its adoption.  
34

35 **ARTICLE V**  
36 **Permits**

37 **§ 297-13. Permit Requirements.**  
38

39 Before a grading or building permit for any site is issued by City, the City must review and  
40 approve an erosion and sediment control plan for the site.  
41

42 **§ 297-14. Permit Expiration and Renewal.**

The building or grading permit shall expire two (2) years from the date of issuance unless extended or renewed by City. Application for permit renewal shall be made at least two (2) months prior to the permit expiration date.

**§ 297-15. Permit Fee.**

A permit fee schedule may be established by the City for the administration and management of the erosion and sediment control program. Capital improvement projects, refuse disposal areas, sanitary landfills, and public works projects may be exempt from this permit fee.

**§ 297-16. Permit Suspension and Revocation.**

The City may suspend or revoke any grading or building permits after providing written notification to the permittee based on any of the following reasons:

- A. Any violation(s) of the terms or conditions of the approved erosion and sediment control plan or permits;
- B. Noncompliance with violation notice(s) or stop work order(s);
- C. Changes in site characteristics upon which plan approval and permit issuance were based; or
- D. Any violation(s) of this chapter or any rules and regulations adopted under it.

**§ 297-17. Permit Conditions.**

In issuing a grading or building permit, the City may impose such conditions that may be deemed necessary to ensure compliance with the provisions of this chapter or the preservation of the public health and safety.

**§ 297-18. Performance Bond.**

When deemed necessary by the City, the owner/developer shall furnish a surety or cash bond, irrevocable letter of credit, or other means of security acceptable to the City. The bond amount should be equal to at least the cost of the installation, maintenance, and removal of the erosion and sediment controls shown on the approved plan.

**§ 297-19. Inspection.**

The Administration is responsible for the inspection and enforcement of all land disturbing activities, including those sites requiring an erosion and sediment control plan as specified by this chapter. This enforcement authority may be delegated to City through a request by City or required as a condition of a National Pollutant Discharge Elimination System (NDPES) municipal separate storm sewer system permit. This section applies to the Administration, or, City, if delegated enforcement authority.

**§ 297-20. Inspection Frequency and Reports.**

- A. The owner/developer shall maintain a copy of the approved erosion and sediment control plan on site.
- B. Every active site having a designed erosion and sediment control plan should be inspected for compliance with the plan on average once every two (2) weeks.
- C. A written report shall be prepared by the inspection agency after every inspection. The report shall describe:
  - (1) The date and location of the site inspection;
  - (2) Whether the approved plan has been properly implemented and maintained;
  - (3) Practice deficiencies or erosion and sediment control plan deficiencies;
  - (4) If a violation exists, the type of enforcement action taken; and
  - (5) If applicable, a description of any modifications to the plan.
- D. The inspection agency shall notify the on-site personnel or the owner/developer in writing when violations are observed, describing:
  - (1) The nature of the violation;
  - (2) The required corrective action; and
  - (3) The time period in which to have the violation corrected.

**§ 297-21. Right of Entry.**

It shall be a condition of every grading or building permit that the inspection agency has the right to enter property periodically to inspect for compliance with the approved plan and this chapter.

**§ 297-22. Complaints.**

The inspection agency shall accept and investigate complaints regarding erosion and sediment control concerns from any interested parties and:

- A. Conduct an initial investigation within three (3) working days from receipt of the complaint;
- B. Notify the complainant of the initial investigation and findings within seven (7) days from receipt of the complaint; and
- C. Take appropriate action when violations are discovered during the course of the complaint investigation.

**§ 297-23. Enforcement.**

- 1 A. The inspection agency shall, through the authority of this chapter and COMAR 26.17.01 use  
2 enforcement action when erosion and sediment control violations occur.  
3
- 4 B. Enforcement actions may include, but are not limited to:  
5  
6 (1) Issuance of a corrective action order;  
7 (2) Issuance of a stop work order, the extent of which is determined by the inspection  
8 agency;  
9 (3) Issuance of a penalty or fine as allowed; and  
10 (4) Referral for legal action.  
11
- 12 C. The City may deny the issuance of any permits to an applicant when it determines that the  
13 applicant is not in compliance with the provisions of a building or grading permit or  
14 approved erosion and sediment control plan.  
15
- 16 D. The inspection agency shall stop work on a site where land disturbance is occurring without  
17 an approved erosion and sediment control plan. Measures shall be required to be  
18 implemented to prevent off-site sedimentation.  
19

20 **§ 297-24. Severability.**  
21

22 If any portion, section, subsection, sentence, clause, or phrase of this chapter is for any reason  
23 held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be  
24 deemed a separate, distinct, and independent provision and such holding shall not affect the  
25 validity of the remaining portion of this chapter, it being the intent of the City that this chapter  
26 shall stand, notwithstanding the invalidity of any portion, section, subsection, sentence, clause, or  
27 phrase, hereof.  
28

29 **§ 297-25. Penalties.**  
30

- 31 A. Any person who violates any provision of this chapter is guilty of a misdemeanor, and upon  
32 conviction in a court of competent jurisdiction is subject to a fine not exceeding \$10,000 or  
33 imprisonment not exceeding one year or both for each violation with costs imposed in the  
34 discretion of the court. Each day upon which the violation occurs constitutes a separate  
35 offense.  
36
- 37 B. Any agency whose approval is required under this chapter or any interested person may seek  
38 an injunction against any person who violates or threatens to violate any provision of this  
39 chapter.  
40
- 41 C. In addition to any other sanction under this chapter, a person who fails to install or to  
42 maintain erosion and sediment controls in accordance with an approved plan shall be liable to  
43 City or the State in a civil action, for damages in an amount equal to double the cost of  
44 installing or maintaining the controls.

1 D. Any governing authority that recovers damages in accordance with this subsection shall  
2 deposit them in a special fund, to be used solely for:

3  
4 (1) Correcting to the extent possible the failure to implement or maintain erosion and  
5 sediment controls; and

6 (2) Administration of the sediment control program.  
7

8 ARTICLE VI

9 **Effective Date and Subsequent Amendments**

10  
11 **§ 297-26. Effective date; subsequent amendments.**

12  
13 This chapter is hereby enacted and becomes effective \_\_\_\_\_. This chapter may be  
14 amended as required. All amendments to this chapter are subject to the approval of the  
15 Maryland Department of the Environment.

**COUNCIL OF THE CITY OF ABERDEEN**

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**Michael E. Bennett, Mayor**

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**Ruth E. Elliott, Councilwoman**

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**Bruce E. Garner, Councilman**

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**Sandra J. Landbeck, Councilwoman**

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**Ruth Ann Young, Councilwoman**

**ATTEST:**

**SEAL:**

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**Monica A. Correll, City Clerk**

**Date** \_\_\_\_\_